



PATENT
Case Docket No.: 45703

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
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Seung-Gyun Bae et al. : Group Art Unit: 2423
: :
Serial No.: 10/658,545 : Examiner: Junior O. Mendoza
: :
Filed: September 10, 2003 : Confirmation No.: 3251
: :
For: Apparatus and Method for Displaying Television Video Signal and Data in Mobile
Terminal According to Mode Thereof

ARGUMENTS FOR CONSIDERATION FILED CONCURRENT
WITH PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Sir:

In response to the final Office Action of April 27, 2010 and the Advisory Action of July 28, 2010, Applicants submit the following arguments for consideration with the concurrently filed Pre-Appeal Brief Request For Review.

Remarks/Arguments:

Claims 1 and 2 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Jang (U.S. Patent No. 2,347,588 – hereinafter Jang) in view of Yamaguchi (U.S. Pub. No. 2007/0206518 – hereinafter Yamaguchi), Kida et al. (U.S. Patent No. 6,335,728 - hereinafter Kida), Hassell et al. (U.S. Pub. No. 2004/0107439 – hereinafter Hassell) and Kwon et al. (U.S. Patent No. 7,057,621 – hereinafter Kwon). Applicants respectfully traverse this rejection.

With respect to claim 1, at issue is whether the cited references disclose, teach, or suggest *a format scaler for scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder*. This scaling feature is, in fact, supported in Fig. 3 of the present application. In more detail, as exemplified in Fig. 3, the

format scaler 113 receives 18-bit digital video data (from ADC 111) as well as synchronous signals (TV_HSYNC and TV_VSYNC signals from decoder 60 as shown in Fig. 2), and performs the scaling operation on the received video data on the basis of received synchronous signals.

The Examiner argues that the format scaler as claimed is obvious under Jang and Kwon. Specifically, in the Advisory Action, with respect to Jang and Kwon, the Examiner alleges the following:

- (i) “it is of common knowledge in the art to use a sync signal to control a format scaler as recited Kwon”.
- (ii) “the reference of Kwon clearly teaches a vertical expander 28 which modifies an image to fit a display unit, where the device operates depending on various timing signals generating by a timing generator 24 and LCD driver 12, where the timing signals are a horizontal signal and a vertical synchronization signal. See col. 5, lines 14-17, 24-27, 43-48 and col. 6, lines 58-61”.
- (iii) “...the applicant’s assumption stating that Kwon does not receive synchronous signals is wrong since Kwon clearly teaches that the system is a mobile device able to receive television content, col. 1, lines 38-58 figure 3; in addition Jang already discloses the reception of sync signals over a tuner. The reception of television content allows LCD driver 12 to extract timing signals CKV1, HD and VD indicating the mode (i.e. NTSC or PAL) and horizontal /vertical synchronization signals which control timing generator 24 and vertical expander 28 in order to reproduce an image for the viewer. col. 5, lines 14-36.”

These allegations, however, either *have been addressed* in Applicants’ prior responses or *have no bearing on* the disclosure or suggestion of format scaler as claimed. For example, with respect to allegation (i), in the response filed on June 25, 2010, Applicants pointed out that allegation (i) is made without any factual basis, since, as an example, Jang does not disclose or suggest using the sync signal to control a format scaler. In addition, in the same response, Applicants traversed, per MPEP 2144.03, this apparent Official Notice with respect to “common knowledge” as incapable of instant and unquestionable demonstration being well known, and requested, per 37 CFR 1.104(c)(2), that the Examiner provide documentary evidence if the Official Notice is to be maintained. The Examiner, nonetheless, does not address either

Applicants' traversal grounds or Applicants' request in the Advisory Action. Accordingly, the rejection of claim 1 should be withdrawn.

Next, with respect to allegation (ii), the Examiner merely alleges that Kwon discloses "a vertical expander 28 which modifies an image to fit a display unit" and a timing generator 24 generating "a horizontal and vertical synchronization signal". What is notably missing in allegation (ii) is *a format scaler for scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder*, as claimed. Therefore, allegation (ii) *has no bearing on* the disclosure or suggestion of format scaler as claimed.

Indeed, as Applicants pointed out in Applicants' February 4, 2010 Response, in contrast to the format scaler as claimed, the vertical expansion unit 28 receives no synchronous signals for its scaling (expanding) operation. As such, the vertical expansion unit 28 simply does not perform the scaling on the basis of received synchronous signals. The Examiner, however, *still has not addressed* this argument of Applicants. Accordingly, the rejection of claim 1 should be withdrawn.

Finally, with respect to allegation (iii), first, the Examiner is inaccurate in alleging that Applicants state that "Kwon does not receive synchronous signals." More specifically, nowhere did Applicants state that "Kwon does not receive synchronous signals". Instead, Applicants pointed out that, as noted above, the vertical expansion unit 28 receives no synchronous signals for its scaling (expanding) operation. Moreover, the mere fact that Kwon discloses that LCD driver 12 receives synchronous signals (e.g. CSYNC) *has no bearing on* the disclosure or suggestion of the format scaler as claimed. Therefore, the Examiner is incorrect in basing his rejection on Kwon's mere disclosure of LCD driver 12 receiving synchronous signals. Second, the allegation that "Jang already discloses the reception of sync signals over a tuner" also *has no bearing on* the disclosure or suggestion of the format scaler as claimed, since the issue is whether *a format scaler for scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder*, is disclosed or suggested, not whether *sync signals are disclosed or suggested*. Third, the Examiner's allegation that "[T]he reception ... and horizontal /vertical synchronization signals *which control* timing generator 24 and *vertical expander 28* in order to reproduce an image for the viewer" is clearly *contrary to* Kwon's disclosure, since, as noted above, the

vertical expansion unit 28 receives no synchronous signals for its scaling (expanding) operation, and thus is not, as Examiner alleges, subject to any control by any horizontal /vertical synchronization signals.

Accordingly, Applicants respectfully submit that neither Jang nor Kwon has anything to do with *a format scaler for scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder*, as claimed. Therefore, Jang and Kwon, taken singly or in combination, do not disclose, teach, or render obvious the format scaler as claimed. Accordingly, the rejection of claim 1 should be withdrawn.

Additionally, in the Advisory Action, the Examiner references Park (Pub. No. U.S. 2004/0100578) as allegedly disclosing the format scaler as claimed. However, in the first place, as Applicants pointed out in the June 25, 2010 response, **Park does not qualify, and thus is not available, as a prior art reference under 35 U.S.C. 102(e)**, since its March 6, 2003 filing date is later than the September 17, 2002 priority date of the present application, which has been perfected under MPEP §201.15 and 37 C.F.R. §1.55 by Applicants' January 30, 2008 submission of a verified translation of the priority document, Korean Patent Application No. 2002-56639.

Second, the Examiner's allegation that "Park discloses a control section 53 for controlling scaler 46 to adjust the size of the television picture *according to the horizontal/vertical sync signals separated by the sync separating section 51*; see figure 3 and paragraphs [0002] [0027]" is *contrary to* Park's actual disclosure. As Applicants pointed out in the June 25, 2010 response, Fig. 3 and paragraph [0027] of Park merely disclose that control section 53 is for controlling the region extracting section/scaler 46 to extract the video signal of the whole picture and to adjust a position and a size of the sub picture, *but do not disclose or suggest that the scaling is according to the horizontal/vertical sync signals separated by the sync separating section 51*, as the Examiner alleges.

In addition, paragraph [0002] of Park, particularly the text "a control section 22 for controlling the scaler 16 to adjust the position and size of the sub picture, controlling the video processing section 18 to video-process the main picture signal according to the horizontal/vertical sync signals separated by the sync separating section 21", as cited by the Examiner, at best discloses a control section 22 for controlling the video processing section

18 to *video-process the main picture signal according to the horizontal/vertical sync signals* separated by the sync separating section 21, but does not disclose or suggest the format scaler as claimed. This is because “*video-processing the main picture signal according to the horizontal/vertical sync signals*”, as disclosed in paragraph [0002] of Park, does not constitute or suggest *scaling a size of said video data to a predetermined frame size on the basis of said synchronous signals from said decoder*, as claimed.

Accordingly, for at least the foregoing reasons, claim 1 should be allowable over Jang, Kwon, Park, Park et al., Patel, Yamguchi, Kida and Hassell. The rejection of claim 1 should therefore be withdrawn.

The rejection of claim 2 should be withdrawn at least by virtue of its dependency from claim 1.

The rejections of claims 3-15 should be withdrawn at least for the reasons stated on pages 15-16 of the June 25, 2010 response.

Conclusion

In view of the above, it is believed that there are at least one or more errors or omissions in the Examiner’s rejections.

Respectfully submitted,



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Dated: August 30, 2010